



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER-HANS WILD and EBERHARD KRAFT

Application No. 09/690,409

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On November 3, 2000, appellants filed an Information Disclosure Statement (IDS). Additionally, on June 21, 2004 appellant filed a Supplemental Information Disclosure Statement. It is not clear from the record whether the examiner has considered either of these IDSs. According to the Manual of Patent Examining Procedure (MPEP) § 609 C(2) (Eighth Ed., Rev. 2, May 2004):

Examiners must consider all citations submitted in conformance with the rules and this section [37 CFR § 1.197 and 37 CFR § 1.198], and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered by the Office.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

1. consideration of the IDSs filed November 3, 2000 and June 21, 2004, and notification to appellants in writing of such consideration, and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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